

## REMARKS

This amendment is submitted with a Request for Continued Examination following the Final Office Action mailed on December 31, 2009. A petition for a two-month extension of time is submitted herewith.

All of the pending claims have been replaced with new claims 21-29.

### **Rejections under 35 U.S.C. §112**

This rejection has been avoided by the new claims, such as claim 22, which have been drafted to make it clear that the wear layer can be comprised of more than one layer of material.

### **Rejections under 35 U.S.C. §103**

U.S. Patent No. 3,829,343 to Remmert is the primary reference cited by the Examiner in all of the rejections set forth in the Office Communication dated December 31, 2009. Applicants submit that the newly submitted claims avoid Remmert by making it clear that applicants' wear layer cannot be the same as the melt adhesive of Remmert. The method of applicants' new independent claim 21, in summary, consists essentially of reheating the backing, cold application of the wear layer on the preheated backing, melting the wear layer and then cooling to bring the product to a temperature close to room temperature.

The Remmert process is entirely different. Remmert applies an adhesive to the backing and melts the adhesive into extremely fine droplets providing a tacky surface. A sheet material is then applied over the droplets and the droplets act as the adhesive to adhere the sheet material to the backing. Applicants new claims exclude Remmert's

essential step of applying a thin melt adhesive and melting it into extremely fine droplets before the sheet material is applied.

The secondary references cited by the Examiner in the various rejections in the Office Communication cannot overcome the deficiencies of Remmert because the Remmert process is entirely different from applicants' claimed process as explained above.

### **Rejections under 35 U.S.C. §102**

As to the rejection of claim 18, no equivalent claim has been added in the new set of claims submitted herewith.

As to claim 20 which has been replaced by claim 29, Remmert does not teach all of the structure required by the claim because claim 21, from which claim 29 depends, is distinguished from Remmert as explained above.

### **Conclusion**

A Notice of Allowance of claims 21-29 is respectfully requested.

If any additional extension of time for this response is required, applicants request that this be considered a petition therefor. Please charge any required petition fee to Deposit Account No. 14-1263.

Please charge any insufficiency of fees, or credit any excess, to Deposit Account

No. 14-1263.

Respectfully submitted,

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